

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

EARL PARRIS, JR., Individually,)
and on Behalf of a Class of Persons)
Similarly Situated,)

Plaintiff,)

City of SUMMERVILLE,)
GEORGIA,)

Intervenor-Plaintiff,)

vs.)

) Case No.: 4:21-cv-00040-TWT

3M COMPANY, DAIKIN)
AMERICA, INC., HUNTSMAN)
INTERNATIONAL, LLC, PULCRA)
CHEMICALS, LLC, MOUNT)
VERNON MILLS, INC., TOWN OF)
TRION, GEORGIA, RYAN)
DEJUAN JARRETT, E.I.)
DUPONT DE NEMOURS AND)
COMPANY, and THE CHEMOURS)
COMPANY,)

) **TRIAL BY JURY REQUESTED**

Defendants.)

CONSENTED TO
CITY OF SUMMERVILLE’S
MOTION FOR LEAVE TO REFILE ITS
AMENDED COMPLAINT IN INTERVENTION

Pursuant to Federal Rules of Civil Procedure 15 and 16, Intervenor-Plaintiff
the City of Summerville, Georgia (“Summerville”) respectfully moves the Court for

leave to refile its Amended Complaint, and files this its Motion for Leave to Refile its Amended Complaint in Intervention (“Motion for Leave”). Summerville shows as follows:

1. This lawsuit was initiated by Plaintiff Earl Parris, Jr. against 3M Company, Daikin America, Inc., Huntsman International, LLC, Pulcra Chemicals, LLC, Mount Vernon Mills, Inc., Town of Trion, Georgia, and Ryan Dejuan Jarrett. (Compl. (Doc. 1).) Later, Summerville intervened and filed its Complaint in Intervention, (doc. 137).
2. The Court’s Scheduling Order, (doc. 187), set a deadline of November 21, 2022, for parties to amend pleadings and add parties. On November 21, 2022, Plaintiff filed his Second Amended Individual and Class Action Complaint (the “Second Amended Complaint”), (doc. 280). The Second Amended Complaint added E.I. DuPont de Nemours and Company and The Chemours Company (“DuPont and Chemours”) as defendants and stated additional allegations against the other Defendants. *Id.*
3. Also on November 21, Summerville filed its Joiner in Plaintiff’s Second Amended Complaint (“Summerville’s Joinder”), (doc. 281). Summerville’s Joinder stated that it was, pursuant to Local Rule 15.1, adding DuPont and Chemours as new parties and adopting and incorporating

relevant provisions Plaintiff's Second Amended Complaint into its Complaint in Intervention. *Id.*

4. Defendants Daikin America, Inc. ("Daikin") and Mount Vernon Mills, Inc. ("Mount Vernon") responded to Summerville's Joiner as if it were a pleading. *See* Daikin's Answer to Second Amended Complaint and Joinder (Doc. 292); Response of Defendant Mount Vernon to Summerville's Joinder (Doc. 293).

5. Defendant 3M Company ("3M") filed a Motion for More Definite Statement, (doc. 294), on December 5, 2022. On January 6, 2023, Summerville filed its Response to 3M's Motion for More Definite Statement, (doc. 301), and attached its Amended Complaint in Intervention, (doc. 301-1).

6. 3M withdrew its Motion for More Definite Statement, (doc. 322) on January 27, 2023.

7. DuPont and Chemours filed a Motion to Strike Summerville's Joinder and the Amended Complaint in Intervention ("Motion to Strike"), (doc. 339), on February 7, 2023.

8. After discussions between counsel for Dupont and Chemours and Summerville, DuPont and Chemours agreed to withdraw its Motion to

Strike and consented to Summerville refileing the Amended Complaint in Intervention.

9. The Motion to Strike prompted Summerville to contemporaneously file a response to that motion, this Motion for Leave, and DuPont and Chemours's Consent for City of Summerville to Re-file Its Amended Complaint.

WHEREFORE, the City of Summerville respectfully moves the Court to exercise its discretion, and allow the City of Summerville to re-file its Amended Complaint, and to deny the DuPont and Chemours Motion to Strike as moot.

This 15th day of February, 2023.

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CERTIFICATE OF COMPLIANCE

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Consented to City of Summerville's Motion for Leave to Refile its Amended Complaint in Intervention* has been filed electronically with the Clerk of Court by using the CM/ECF system which will automatically email all counsel of record on this 15th day of February, 2023.

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